

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CORPORAL DANIEL KLINE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Civil Action No. 06-642
	)	
v.	)	Judge Flowers Conti
	)	Magistrate Judge Caiazza
ALAN VALENTIC, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

On May 18, 2006, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On January 31, 2007, the magistrate judge issued a Report (Doc. 34) recommending that the Plaintiff's First Amendment claims against the Valentics be dismissed with prejudice, and that the court decline to exercise supplemental jurisdiction over the state law claims asserted against them. Service of the Report and Recommendation was made on the parties, and the Plaintiff filed objections on February 16, 2007. *See* Doc. 35.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following Order is entered:

AND NOW, on this 29<sup>th</sup> day of March, 2007, IT IS HEREBY ORDERED that the First Amendment claims against the Valentics (*see* Compl. at Count I) are **DISMISSED WITH PREJUDICE**, and the state law claims against them (*see id.* at Count III) are **DISMISSED WITHOUT PREJUDICE** to refile in state court.

Thus, the only claims that remain are found in Count IV, which are subject to a report and recommendation filed March 15, 2007 recommending their dismissal *See generally* (Doc. No. 32 and Doc. No. 38)

The Report and Recommendation of Magistrate Judge Caiazza dated January 31, 2007 is hereby adopted as the opinion of the District Court.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc (via email):

Don Bailey, Esq.  
Sheri D. Coover, Esq.  
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